

Part 6
Legal Actions Under this Chapter - Procedures,
Requirements, Damages, and Limitations on Judgments

63G-7-601 Actions governed by Utah Rules of Civil Procedure -- Undertaking required.

- (1) An action brought under this chapter shall be governed by the Utah Rules of Civil Procedure to the extent that they are consistent with this chapter.
- (2) At the time the action is filed, the plaintiff shall file an undertaking in a sum fixed by the court that is:
 - (a) not less than \$300; and
 - (b) conditioned upon payment by the plaintiff of taxable costs incurred by the governmental entity in the action if the plaintiff fails to prosecute the action or fails to recover judgment.

Renumbered and Amended by Chapter 382, 2008 General Session

63G-7-602 Compromise and settlement of claims by political subdivision.

A political subdivision, after conferring with its legal officer or other legal counsel if it does not have a legal officer, may compromise and settle any action as to the damages or other relief sought.

Amended by Chapter 355, 2015 General Session

63G-7-603 Exemplary or punitive damages prohibited -- Governmental entity exempt from execution, attachment, or garnishment.

- (1)
 - (a) A judgment may not be rendered against a governmental entity for exemplary or punitive damages.
 - (b) If a governmental entity would be required to pay the judgment under Section 63G-7-902 or 63G-7-903, the governmental entity shall pay any judgment or portion of any judgment entered against its employee in the employee's personal capacity even if the judgment is for or includes exemplary or punitive damages.
- (2) Execution, attachment, or garnishment may not issue against a governmental entity.

Renumbered and Amended by Chapter 382, 2008 General Session

63G-7-604 Limitation of judgments against governmental entity or employee -- Process for adjustment of limits.

- (1)
 - (a) Except as provided in Subsection (2) and subject to Subsection (3), if a judgment for damages for personal injury against a governmental entity, or an employee whom a governmental entity has a duty to indemnify, exceeds \$583,900 for one person in any one occurrence, the court shall reduce the judgment to that amount.
 - (b) A court may not award judgment of more than the amount in effect under Subsection (1)(a) for injury or death to one person regardless of whether or not the function giving rise to the injury is characterized as governmental.
 - (c) Except as provided in Subsection (2) and subject to Subsection (3), if a judgment for property damage against a governmental entity, or an employee whom a governmental entity has

a duty to indemnify, exceeds \$233,600 in any one occurrence, the court shall reduce the judgment to that amount, regardless of whether or not the function giving rise to the damage is characterized as governmental.

- (d) Subject to Subsection (3), there is a \$2,000,000 limit to the aggregate amount of individual awards that may be awarded in relation to a single occurrence.
- (2) The damage limits established in this section do not apply to damages awarded as compensation when a governmental entity has taken or damaged private property for public use without just compensation.
- (3) The limitations of judgments established in Subsection (1) shall be adjusted according to the methodology set forth in Subsection (4).
- (4)
 - (a) Each even-numbered year, the risk manager shall:
 - (i) calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code;
 - (ii) calculate the increase or decrease in the limitation of judgment amounts established in this section as a percentage equal to the percentage change in the Consumer Price Index since the previous adjustment made by the risk manager or the Legislature; and
 - (iii) after making an increase or decrease under Subsection (4)(a)(ii), round up the limitation of judgment amounts established in Subsection (1) to the nearest \$100.
 - (b) Each even-numbered year, the risk manager shall make rules, which become effective no later than July 1, that establish the new limitation of judgment amounts calculated under Subsection (4)(a).
 - (c) Adjustments made by the risk manager to the limitation of judgment amounts established by this section have prospective effect only from the date the rules establishing the new limitation of judgment take effect and those adjusted limitations of judgment apply only to claims for injuries or losses that occur after the effective date of the rules that establish those new limitations of judgment.

Renumbered and Amended by Chapter 382, 2008 General Session